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REMARKS

Responsive to the Office Action dated November 17, 2004, Applicant has amended the claims to more clearly define the invention and to overcome the 35 U.S.C. 112 rejection.

Reconsideration is requested over the 35 U.S.C. 102 rejection over the Sweet et al. patent. The Sweet patent is a nutating sprinkler having a sprinkler body with one end coupled to a water supply and supporting a nozzle and having arms extending from the sprinkler body for supporting a removable cap assembly. The cap assembly has a center body supporting a rotor plate having off-center grooves for distributing a stream of water exiting the nozzle and impinging upon the grooves. A spool bearing assembly supports the rotor plate and the cap body loosely confining the spool bearing assembly in the rotor plate. The center body has a tilt post or button extending upward into a cavity in the lower spool bearing so that when the rotor is in an at-rest position, it creates an unstable arrangement to tilt the rotor plate off-center. The tilt post or button is constructed of stainless steel and is secured to the end cover or cap while the spool bearing component is formed of brass.

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The present wobbling sprinkler head has a sprinkler head main frame supporting a nozzle therein and arms extending therefrom supporting a deflector supporting base and is connected to a water supply line for directing water through the nozzle. A free-floating water deflecting head has a shaft movably attached to the deflector supporting base of the main frame and has a water deflecting surface attached to the end of the shaft and positioned to deflect water emitted from the nozzle. The water deflector surface has a predetermined shape to cause movement of the water deflector head responsive to water being directed thereagainst and the shaft has a counterbalancing weight on the end thereof. The water deflecting surface has an elongated axial protrusion extending from the center thereof to one side of the nozzle and forces the water deflecting head to tilt to one side in a static position to thereby cause the water deflecting head to start a wobble responsive to water directed against the water deflecting surface from the nozzle. Thus, the water deflecting head can never be axially aligned with the nozzle in the sprinkler head main frame either in a static or dynamic condition.

The Sweet patent does not have a water deflecting surface having an elongated protrusion extending therefrom to one side of the nozzle to always force the water deflecting head to have a tilt

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in a static condition or when rotating. During rotation, the elongated protrusion from the water deflecting surface inherently will not be in contact with the nozzle or nozzle base.

Sweet, in contrast, forces a tilt to make its sprinkler head nutate by the use of a tilt button or post attached to the cover or cap which forms a part of the static or fixed frame. The tilt post or button has a generally conical shape or conically shaped end portion and fits into a cavity formed into the lower end of the rotating rotor plate. Sweet provides the lower spool component with a cavity therein for receiving the tilt button or post being made of a heavier material in order to statically balance the moving parts about the center of nutation that lies substantially at the tip of the tilt post. In contrast, the present counterbalancing weight on the end of the rotating water deflector head of the present invention is a solid weight centered on the axis without a cavity which provides a dynamic counterbalancing rather than the static balancing in the Sweet patent.

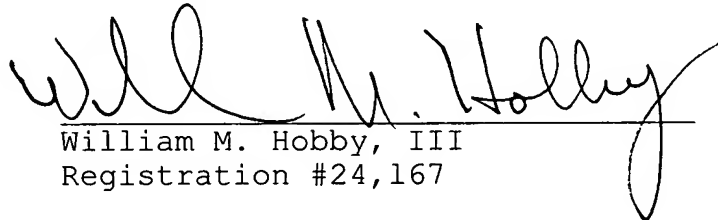
The Sweet patent does not show these distinctions and the present invention would be unobvious to a person of ordinary skill in view of Sweet inasmuch as Sweet accomplishes the tilt of the rotating water deflector surface in an entirely different manner utilizing a post or button fixedly attached to the fixed frame

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portion of the sprinkler and has a cavity in the middle portion of the weight and thereby does not provide a dynamic counterbalancing weight.

Applicant would request reconsideration and allowance of the present application. The Examiner is requested to phone the undersigned attorney if this case can be expedited.

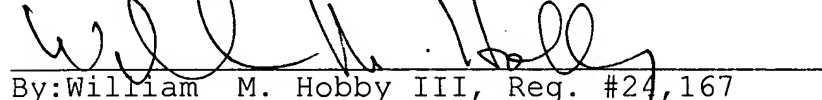
Respectfully submitted,


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